

US DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Josephine Freeman,
Plaintiff,

vs

Consumer Portfolio Services Inc.
Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Josephine Freeman states:

- 1 This court has jurisdiction under FDCPA, 15 USC 1692k(d) and 28 USC 1331, 37.
- 2 Plaintiff lives in Clinton Township Michigan.
- 3 Defendant Consumer Portfolio Services Inc., is a California corporation , doing business in Michigan
- 4 The cause of action arose in Macomb County Michigan

Factual Allegations

- 5 Defendant telephoned Plaintiff at her home on numerous occasions between 7 AM and 10 PM in an attempt to collect a debt.

6 Defendant also telephoned Plaintiff numerous times at her workplace, despite
Plaintiff informing Defendant that such telephone calls were disruptive to her work
and requested Defendant not to call her at her workplace.

7 Defendant ignored Plaintiff's requests not to contact her at work.

8 On August 30, 2010, an employee of Defendant named Tori contacted Plaintiff's
boss, Marilyn Woods at Defendant's workplace and informed Ms. Woods that she
was a debt collector and that she was in the process of repossessing Plaintiff's car.

9 Tori informed Ms. Woods that Defendant's agents had been unable to locate
Plaintiffs, and that the Defendant had reported the car as stolen to the local police.

10 On yet another location, Defendant contacted another coworker and also divulged its
attempts to collect a debt from Plaintiff.

COUNT I - VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

11 Defendant engaged in the practice of collecting debts on behalf of other individuals or
entities.

12 Defendant is a "debt collector" under the FDCPA, 15 USC 1692a(6).

13 Defendant sought to collect a "consumer" debt from Plaintiff.

14 Defendant violated provisions of the FDCPA, including section 805(b)
[communications with third parties regarding a debt], 806 [unnecessary calls to third
parties, multiple contacts consumer, and abusive conduct, 807 [making false,
deceptive or misleading representations, 808 using unfair or unconscionable means to
collect a debt].

15 Plaintiff suffered extreme emotional distress, mental anxiety and anguish, humiliation
and mental suffering as a result of Defendant's actions in violation of the Fair Debt
Collection Practices Act.

**COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE UNDER
THE MICHIGAN COLLECTION PRACTICES ACT**

16 Defendant is a "collection agency" under the Michigan Occupational Code, MCL
339.901(b).

17 Plaintiff is a debtor under MCL 339.901(f).

18 Defendant's actions and attempting to collect a debt against Plaintiff in the manner
described above are violations of the Michigan Occupational Code.

19 Plaintiff suffered extreme emotional distress, mental anxiety and anguish, humiliation
and mental suffering as a result of Defendant's actions in violation of the Michigan
Occupational Code.

COUNT III - VIOLATION OF THE MICHIGAN COLLECTION PRACTICES ACT

20 Defendant is a "regulated person" under the Michigan Collection Practices Act, MCL
445.251(g)(xi).

21 Defendant's actions and attempting to collect a debt against Plaintiff constitute
violation of the Michigan Collection Practices Act.

22 Plaintiff suffered extreme emotional distress, mental anxiety and anguish,
humiliation and mental suffering as a result of Defendant's actions in violation of the
Michigan Collection Practices Act.

REQUEST FOR RELIEF

Plaintiff requests that this Court award relief, as permitted by statute and common law, actual damages, statutory damages, treble damages and attorney costs and fees.

JURY DEMAND

Plaintiff demands trial by jury

By:

/s/ James Shaw
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